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JAMES N. HATTEN, CLERK
[Signature] Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALICE TRAMMELL, as Executrix
of the ESTATE OF MARY
ROBERTS,

Plaintiff.

v.

ADVANTAGE HEALTH
SYSTEMS, INC., and PARKWOOD
LIVING CENTER, LLC,

Defendants.

CASE NO: ~~07-CV-2229~~

STATE COURT OF GWINNETT-~~GET~~
COUNTY CIVIL ACTION
NO. 07C-11353 2

NOTICE OF REMOVAL

Notice is hereby given that Advantage Health Systems, Inc. and Parkwood Living Center, LLC ("Defendants") hereby remove to this Court pursuant to 28 U.S.C. §§ 1441 and 1446 that civil action filed in the State Court of Gwinnett County, Georgia, styled as Alice Trammell, as Executrix of the Estate of Mary Roberts v. Advantage Health Systems, Inc. and Parkwood Living Center, LLC, Civil Action No. 07C-11353-2. In support whereof, Defendants show this Court as follows:

- (a) this Notice of Removal is timely as it has been filed within thirty (30) days of the receipt of Plaintiff's Complaint by service, such Complaint having been served on August 13, 2007;
- (b) true copies of all pleadings served by or upon Defendants in the state action are attached to this Notice of Removal as Exhibit "A" and are incorporated herein by reference;
- (c) in accordance with 28 U.S.C. § 1446(d), Defendants will give written notice hereof to Plaintiff and will file a copy of this Notice of Removal with the Clerk of the State Court of Gwinnett County, Georgia;
- (d) this Court has jurisdiction in this case pursuant to 28 U.S.C. § 1332(a)(1) because the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, in that this litigation seeks the recovery of damages for pain and suffering, recovery for funeral and medical expenses, and other damages;
- (e) jurisdiction is further proper because there exists complete diversity of citizenship between Plaintiff and Defendants in that

- (i) Defendants are South Carolina entities with their principal places of business in Easley, South Carolina; and
- (ii) Plaintiff is a citizen of the State of Georgia.

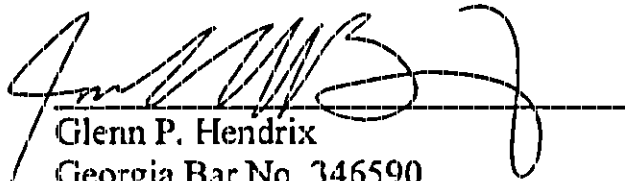
WHEREFORE, Defendants respectfully request the following relief:

- (a) that the above-referenced action now pending in the State Court of Gwinnett County, Georgia be removed to the United States District Court for the Northern District of Georgia, Atlanta Division;
- (b) that this Court accept jurisdiction of the action; and
- (c) that this action be placed on the docket of this Court for further proceedings, the same as though this action had originally been initiated in this Court; and
- (d) that, once docketed, the Court stay this action and compel Plaintiff to arbitrate her claims in accordance with the Agreement To Arbitrate signed by Mary Roberts.

[signature block to follow]

Respectfully submitted this 12th day of September, 2007.

ARNALL GOLDEN GREGORY LLP

A handwritten signature in black ink, appearing to read "Glenn P. Hendrix", is written over a horizontal line.

Glenn P. Hendrix
Georgia Bar No. 346590
Jason E. Bring
Georgia Bar No. 082498

Attorneys for Defendants

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